

# **ORDINANCE NO. 2009-017**

Adopted by the Sacramento City Council

March 31, 2009

**AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050, 17.94.030, 17.98.030, 17.100.030, 17.108.020, 17.108.030, AND 17.124.040 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO CHECK CASHING CENTERS AND REPEALING ORDINANCE NO. 2007- 080, AS EXTENDED BY ORDINANCE NO. 2007-089 AND ORDINANCE NO. 2008-048 (M07-070)**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

## **BACKGROUND**

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. The definition for "check cashing center" set forth in Section 17.16.010 is amended to read as follows:

"Check cashing center" means:

1. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving a similar purpose, and includes an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks.
2. An establishment that offers, originates, or makes a deferred deposit transaction, also known as a payday lender business. A "deferred deposit transaction" is a transaction whereby a person defers depositing a customer's personal check until a specific date, pursuant to a written agreement.

A check cashing center does not include a state or federally chartered bank, savings association, credit union, or similar financial institution, or retail stores or other establishments selling consumer goods, including consumables, that incidentally charge a fee not exceeding \$2.00 to cash checks or money orders as a service to customers.

- B. The definition for "check cashing facility" set forth in Section 17.16.010 is deleted.
- C. Except as specifically amended as set forth in subsections A. and B., above,

section 17.16.010 shall remain unchanged and in full force and effect.

**SECTION 2.** Section 17.24.030 (Commercial Land Use Chart) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. The matrix set forth in Table 17.24.030 A is amended to add "Check cashing center" to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Check cashing center*											7/84	69/84		18/84

- B. The matrix set forth in Table 17.24.030 B is amended to add "Check cashing center" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
Check cashing center*			15/84	84	84	84	84	84	20/84	84	20/84	14/53/84	14/53/84							

- C. Except as specifically amended for the uses indicated, section 17.24.030 and Tables 17.24.030 A and 17.24.030 B shall remain unchanged and in full force and effect.

**SECTION 3.** Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Footnote 84 is added to section 17.24.050 to read as follows:

84. Check Cashing Centers.

- a. A special permit shall be required to establish a check cashing center in this zone pursuant to and subject to the findings required by Chapter 17.212.
- b. Locational Requirements. In addition to the other requirements for approval of a special permit, no special permit shall be issued or approved for a check cashing center unless the proposed location satisfies all of the following locational requirements:
  - i. Proximity to Other Specified Establishments.

No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any other check cashing center, church/faith congregation, school, or financial institution including a state or federally chartered bank, savings association, or credit union.

ii. Proximity to Residential Zones.

No check cashing center shall be established or located within five hundred (500) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

iii. Definitions.

For purposes of the locational requirement, the following definitions shall apply:

"Church/faith congregation" means a structure or place which is used primarily for religious worship and related religious activities.

"School" means any child or day care facility; or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

iv. Relevant Date for Determining Compliance with Locational Requirements.

Only those uses lawfully established as of the date that the application for a check cashing center special permit is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

c. Hours of Operation.

Operation of the check cashing center shall be restricted to between the hours of seven a.m. and seven p.m. unless different hours of operation are approved by condition of the special permit.

d. Operational Considerations.

The application for a special permit for a check cashing center shall include a security plan, sign program, lighting plan, and good neighbor policy. In its review of the special permit, the planning commission shall consider the proposed security plan, sign program, lighting plan, and good neighbor policy and, if it determines to approve the special permit, shall impose conditions as it finds necessary or appropriate to ensure that the check cashing center is operated in a manner that will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

e. Discontinuance.

Notwithstanding the provisions of section 17.212.100(G), a special permit for a check cashing center, the exercise of which is voluntarily or involuntarily interrupted for a period in excess of one year, shall be deemed automatically revoked.

- B. Except as specifically amended by adding footnote 84, section 17.24.050 shall remain unchanged and in full force and effect.

SECTION 4. Section 17.94.030 (Broadway/Stockton Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (C) of Section 17.94.030 is amended to read as follows:

C. Prohibited Uses.

In addition to other uses prohibited by this title in the underlying zones, the following uses are prohibited in all zones within the Broadway/Stockton SPD.

1. Auto sales;
2. Auto storage;
3. Bar;
4. Bus and other transit vehicle maintenance storage;
5. Check cashing center;
6. Liquor store—Fifteen thousand (15,000) feet or less of gross floor area;
7. Towing service;
8. Used tire sales.

- B. Except as specifically amended by the amendments to subsection (C), section 17.94.030 shall remain unchanged and in full force and effect.

SECTION 5. Section 17.98.030 (McClellan Heights and Parker Homes Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (D)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the C-2 zone under this title, the following uses in the C-2 zone are prohibited in the McClellan Heights and Parker Homes SPD:

- a. Adult entertainment business;
- b. Adult related establishment;
- c. Auto sales (new or used), service, repair, storage, or rental;
- d. Check cashing center;
- e. Cleaning plant;
- f. Equipment rental/sales yard;
- g. Laundry, commercial plant;
- h. Mini-storage/locker building;
- i. Money lender;
- j. Pawnshop;
- k. Reclamation operation;
- l. Recycling facilities, except convenience recycling;
- m. RV /mobilehome sales yard;
- n. RV storage (commercial);
- o. Tire shop; and
- p. Towing service and vehicle storage yard.

B. Subsection (E)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the M-1 zone under this title, the following uses in the M-1 zone are prohibited in the McClellan Heights and Parker Homes SPD:

- a. Adult entertainment business;
- b. Adult related establishment;
- c. Animal slaughter;
- d. Auto dismantler;
- e. Auto sales (new or used), service, repair, storage, or rental;
- f. Check cashing center;
- g. Concrete batch plant;
- h. Hazardous waste facility;
- i. Junkyard;
- j. Livestock sales yard;
- k. Mini-storage/locker building;
- l. Money lender;
- m. Pawnshop;
- n. Planing mill
- o. Solid waste landfill; and
- p. Solid waste transfer station.

C. Except as specifically amended by the amendments to subsections (D)(2) and (E)(2), section 17.98.030 shall remain unchanged and in full force and effect.

SECTION 6. Section 17.100.030 (Northgate Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.100.030 is amended to read as follows:

C. Prohibited Uses. Notwithstanding the provisions of subsections (A) and (B) of this section, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX zone and the C-2 zone in the Northgate SPD.

1. Drive-through service facility;
2. Mini-storage/locker building;
3. Auto sales (new or used), service, repair, storage, or rental; except that vehicle storage is permitted if incidental to a use that is otherwise permitted;
4. Towing service and vehicle storage yard;
5. RV mobile home sales yard;
6. RV storage (commercial);
7. Check cashing center;
8. Pawn shops; and
9. Money lenders.

B. Except as specifically amended by the amendments to subsection (C), section 17.100.030 shall remain unchanged and in full force and effect.

SECTION 7. Section 17.108.020 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.020 is amended to read as follows:

A. Prohibited Uses. In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with C-2 zoning in the Del Paso Boulevard SPD:

1. Adult entertainment business;
2. Adult related establishment;
3. Astrology and related practices;
4. Tattoo and/or body piercing parlors;

5. Used appliance sales;
6. Auto sales (new and used), storage;
7. RV/mobilehome sales yard;
8. RV storage;
9. RV repair;
10. Mini storage/surface storage;
11. Used tire storage and sales;
12. Check cashing center;
13. Money lender;
14. Mortuary;
15. Card room;
16. Bingo activities licensed under Chapter 5.24 of this code;
17. Retail tobacco store;
18. Laundromat.

- B. Except as specifically amended by the amendments to subsection (A), section 17.108.020 shall remain unchanged and in full force and effect.

SECTION 8. Section 17.108.030 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (A) of Section 17.108.030 is amended to read as follows:
- A. Prohibited Uses. In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with M-1 zoning in the Del Paso Boulevard SPD:
1. Adult entertainment business;
  2. Adult related establishment;
  3. Astrology and related practices;



4. Tattoo and/or body piercing parlors;
5. Used appliance sales;
6. Auto sales (new and used), storage;
7. RV/mobilehome sales yard;
8. RV storage;
9. RV repair;
10. Recycling facilities;
11. Auto dismantler;
12. Used tire storage and sales;
13. Check cashing center;
14. Money lender;
15. Pawn shop;
16. Mortuary;
17. Card room;
18. Bingo activities licensed under Chapter 5.24 of this code;
19. Retail tobacco stores;
20. Laundromat.

- B. Except as specifically amended by the amendments to subsection (A), section 17.108.030 shall remain unchanged and in full force and effect.

SECTION 9. Section 17.124.040 (Sacramento Railyards Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (E) of Section 17.124.040 is amended to read as follows:

E. Prohibited Uses. The following uses are prohibited in the Sacramento Railyards SPD:

1. All uses, unless otherwise specified above, listed in the Industrial and Agricultural land use tables in sections 17.24.040(A) and 17.24.040(B);

2. Mobile home park;

3. Penal institution;

4. Check cashing center.

B. Except as specifically amended by the amendments to subsection (E), section 17.124.040 shall remain unchanged and in full force and effect.

SECTION 10. Ordinance No. 2007-080, as extended by Ordinance No. 2007-089 and Ordinance No. 2008-048, establishing a moratorium on check cashing centers, is repealed.

Adopted by the City of Sacramento City Council on March 31, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters.

Noes: None.

Abstain: None.

Absent: Mayor Johnson.

  
Lauren Hammond, Vice-Mayor

Attest:

  
Shirley Concolino, City Clerk

Passed for Publication: March 24, 2009

Published: March 27, 2009

Effective: April 27, 2009